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Paper No. 53

ENZO BIOCHEM INC  
527 MADISON AVENUE (9TH FLOOR)  
NEW YORK, NY 10022

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DEC 19 2003  
OFFICE OF PETITIONS

In re Application of  
Brakel, et al.  
Application No. 08/479,999  
Filed: June 28, 1994  
Title: MODIFIED NUCLEOTIDE  
COMPOUNDS

DECISION ON PETITION

This is a decision on the renewed petition to revive the above-identified application under 37 CFR 1.137(b), filed December 15, 2003.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the final Office action mailed September 26, 2000, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 27, 2000. A Notice of Abandonment was mailed on July 16, 2001. Petitioner filed a petition to revive under 37 CFR 1.137(b) on December 26, 2001. However, this petition was dismissed in a decision mailed on October 14, 2003.

On renewed petition, petitioner has drawn the Office's attention to a Notice of Appeal that was filed on December 26, 2001. In addition, petitioner has met the other requirements for a grantable petition under 37 CFR 1.137(b).

As the fee for the Notice of Appeal was not charged upon filing of the December 26, 2001 petition, the fee at the time of filing of \$320 has been charged to Deposit Account No. 05-1135, as authorized.

Please be advised that the two-month period for filing an appeal brief in triplicate (accompanied by the fee required by 37 CFR 1.17(c)) runs from the date of this decision.

The application file is being forwarded to Technology Center 1600 to await for applicant's filing of the Appeal Brief.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0272.

*Cliff Congo*

Cliff Congo  
Petitions Attorney  
Office of Petitions